

AUS20030436US1
M/S AF

REMARKS

Amended Claim

Applicants have amended claim 11 to repair a minor typographical error. Applicants have replaced the number '6' with the number '7'.

Claim Rejections – 35 U.S.C. § 103

Claims 1-33 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kirani, *et al.*, U.S. Application Publication No. 2002/0032027 A1, in view of Conning, U.S. Application Publication No. 2004/0250205 A1. As will be shown below, neither Kirani nor Conning, either alone or in combination, teaches or suggests a method, system, or computer program product for distributing images in a data processing system as claimed in the present application. Claims 1-33 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-33. To establish a prima facie case of obviousness, three basic criteria must be met. *Manual of Patent Examining Procedure* §2142. The first element of a prima facie case of obviousness under 35 U.S.C. § 103 is that there must be a suggestion or motivation to combine the references. *In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991). The second element of a prima facie case of obviousness under 35 U.S.C. § 103 is that there must be a reasonable expectation of success in the proposed combination of the references. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097, 231 USPQ 375, 379 (Fed. Cir. 1986). The third element of a prima facie case of obviousness under 35 U.S.C. § 103 is that the proposed combination of the references must teach or suggest all of Applicants' claim limitations. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).

AUS20030436US1
M/S AF

KIRANI AND CONNING

Claims 1-33 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Kirani in view of Conning. The proposed combination of Kirani and Conning cannot establish a prima facie case of obviousness because Kirani does not teach each and every element of the claims of the present application and Conning is unavailable as a reference against this invention. Claims 1- 33 are therefore patententable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-33.

**Conning Is Not Available As A Reference In This Case Because
The Current Invention Was Completed In The United
States Prior To The Effective Date Of Conning.**

Applicants attach to this Response a declaration pursuant to 37 CFR § 1.131 proving that the invention of this application was completed in the United States at a date prior to May 21, 2004, the effective date of Conning. Because this invention was completed in the United States prior to the effective date of Conning, Conning is unavailable as a reference against this invention, and claims to this invention cannot be rejected under 35 U.S.C. § 103(a) on the basis of Conning. Claims 1- 33 are therefore patententable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-33.

**The Combination Of Kirani And Conning Does Not
Teach All Of Applicants' Claim Limitations**

Because the present invention was completed in the United States prior to the effective date of Conning, Conning is not available for use as a reference in combination with any other reference, including Kirani. Conning cannot be combined with Kirani to form a basis of rejection under 35 U.S.C. § 103, and the combination of Kirani and Conning cannot be said to teach claim limitations within the meaning of 35 U.S.C. § 103.

AUS20030436US1
M/S AF

Because it is not possible to combine Kirani with Conning in this case, there is no further need to discuss Kirani. Nevertheless, in an attempt to make every reasonable effort to move the case along, Applicants make the following responsive arguments regarding Kirani.

**Kirani Does Not Teach Or Suggest Any Of The
Elements Of Claim 1, Amended or Unamended**

To establish a prima facie case of obviousness, the proposed combination of Kirani and Conning must teach or suggest all of Applicants' claim limitations. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). Independent claim 1 of the present application claims:

1. A method for distributing images in a data processing system, the method comprising:

receiving a data stream comprising an image group identifier
identifying a plurality of images, the data stream comprising a document structured by markup elements having attributes, the image group identifier included in an attribute of a markup element of the document; and

retrieving the images, from the data processing system, in response to receiving the image group identifier.

**Kirani Neither Discloses Nor Suggests Receiving A Data Stream
Comprising An Image Group Identifier Identifying A Plurality
Of Images And Receiving The Images From
The Data Processing System**

Regarding the two elements of claim 1, the Office Action states on page 3:

AUS20030436US1
M/S AF

In regard to independent claim 1, receiving a data stream comprising an image group identifier identifying a plurality of images; and receiving the images from the data processing system, (Kirani at page 23 paragraphs [0230]-[0232], discloses a media spooler system, wherein the media spooler under control of the media manager for receiving and retrieving media object (e.g. digital image file) which associated with a Globally Unique Identifier (GUID) such as, part number, part size, and format (e.g., PPF format);

That is, the Office Action takes the position that Kirani at page 23 paragraphs [0230]-[0232] discloses the two elements of the unamended form of claim 1. Applicants respectfully note in response, however, that what Kirani at page 23 paragraphs [0230]-[0232], in fact discloses is:

At step 1105, the media spooler 1000, under control of the media manager 1003, initiates a "reverse" request (i.e., back to the capturing device) that asks the capturing device to identify which of its stored pictures (or other data objects of interest) are to be uploaded. Every particular object (e.g., digital image file) is associated with a globally-unique identifier (GUID) that the capturing device has assigned. The GUID is selected to be unique across the entire system. In response to this request, the capturing device returns a media acquisition list-identifying, by GUID and by part number, the specific parts that the capturing device currently stores. Each record of the list includes the following fields for identifying each part: GUID, part number, part size, and format (e.g., PPF format).

In a complementary fashion, the media spooler 1000 issues a request to the servers manager 1021, inquiring about what pieces the server infrastructure currently has for this particular user--that is, what pieces have already been uploaded. This step, which is shown as step 1106, requires that the servers manager 1021 contact the server infrastructure for obtaining this information. In a manner similar to that done by the capturing device, the server infrastructure may return a list or log indicating what parts--identified by GUIDs and by part numbers--currently reside at the server infrastructure, as indicated by step 1107. The data structure of the server infrastructure's list may be the same as, or similar to, the capturing device's media acquisition list. However, the server infrastructure returns to the spooler information indicating the subset of data that the server does not have and thus should be extracted from the device.

AUS20030436US1
M/S AF

Now, the media manager 1003 passes the two lists to the synchronization manager 1025. In turn, the synchronization manager 1025 may determine exactly what parts reside on the capturing device that still need to be retrieved, as shown by step 1108. In other words, the synchronization manager 1025 informs the media spooler 1000 exactly which parts it should upload from the capturing device. For example, the synchronization manager 1025 may have reported that, for this particular user, the following parts still needed to be retrieved: GUID #2, Part #2 and GUID #4, Part #3. The media manager 1003, acting on this information, may now instruct the previously-allocated thread to retrieve the data associated with the identified required parts (i.e., "chunks"), as indicated by step 1109. The media manager 1003 is free to act on any other incoming requests. At the same time, however, the allocated thread is busy dumping into the cache module 1015 the incoming contents for the identified required parts. Once the cache module 1015 has received all of the required parts, it alerts the media manager 1003. The media manager 1003 may then pull the completed parts from the cache module 1015 and then pass them to the servers manager 1021 for delivery to the server infrastructure. This is indicated by step 1110. The part data itself is transferred as a blob object, wrapped within an XML package.

Applicants submit with respect that Kirani at this point is concerned absolutely and exclusively with a media spooler for graphic image files delivered from a 'capturing device,' typically a digital camera. Kirani's only disclosure of identifiers is for identifiers that are absolutely, completely, and totally unique to an individual image file. In fact, Kirani, by listing a plurality of images identifier-by-identifier *teaches directly away from* an image group identifier that identifies a plurality of images as claimed in the present application. There is no suggestion, not even the tiniest hint, in Kirani of an image group identifier that identifies a plurality of images as claimed in the present application. Neither Kirani's globally-unique identifier (GUID) nor Kirani's use of its GUID therefore discloses or suggests receiving a data stream comprising an image group identifier identifying a plurality of images and receiving the images from the data processing system as claimed in the present application. Because Kirani does not teach or suggest each and every element and limitation of Applicants' claims, the rejections in view of Kirani should be withdrawn.

AUS20030436US1
M/S AF

**Kirani Does Not Disclose or Suggest Retrieving
The Images From The Data Processing System
In Response To Receiving The Image Group Identifier**

Further regarding the second element of claim 1, the Office Action states on page 3 that Kirani discloses:

... in response to receiving the image group identifier, however (Kirani at page 23 paragraphs [0230]-[0237], also see Fig. 11A-C, discloses a method and apparatus for distributing binary presentations within media content files, wherein the media spooler issues a request to the servers manager, inquiring about what pieces the server infrastructure currently has for this particular user--that is, what pieces have already been uploaded, which is identified by GUID and by part numbers—currently reside at the server infrastructure....

That is, the Office Action takes the position that this limitation of the second element of claim 1:

in response to receiving the image group identifier

is disclosed or suggested by Kirani at page 23, paragraphs [0230]-[0237], and at Fig. 11A-C of Kirani. Applicants respectfully note in response, however, that what that Kirani at page 23, paragraphs [0230]-[0237], and Fig. 11A-C, in fact discloses is:

At step 1105, the media spooler 1000, under control of the media manager 1003, initiates a "reverse" request (i.e., back to the capturing device) that asks the capturing device to identify which of its stored pictures (or other data objects of interest) are to be uploaded. Every particular object (e.g., digital image file) is associated with a globally-unique identifier (GUID) that the capturing device has assigned. The GUID is selected to be unique across the entire system. In response to this request, the capturing device returns a media acquisition list-identifying, by GUID and by part number, the specific parts that the capturing device currently stores. Each record of

AUS20030436US1
M/S AF

the list includes the following fields for identifying each part: GUID, part number, part size, and format (e.g., PPF format).

In a complementary fashion, the media spooler 1000 issues a request to the servers manager 1021, inquiring about what pieces the server infrastructure currently has for this particular user--that is, what pieces have already been uploaded. This step, which is shown as step 1106, requires that the servers manager 1021 contact the server infrastructure for obtaining this information. In a manner similar to that done by the capturing device, the server infrastructure may return a list or log indicating what parts--identified by GUIDs and by part numbers--currently reside at the server infrastructure, as indicated by step 1107. The data structure of the server infrastructure's list may be the same as, or similar to, the capturing device's media acquisition list. However, the server infrastructure returns to the spooler information indicating the subset of data that the server does not have and thus should be extracted from the device.

Now, the media manager 1003 passes the two lists to the synchronization manager 1025. In turn, the synchronization manager 1025 may determine exactly what parts reside on the capturing device that still need to be retrieved, as shown by step 1108. In other words, the synchronization manager 1025 informs the media spooler 1000 exactly which parts it should upload from the capturing device. For example, the synchronization manager 1025 may have reported that, for this particular user, the following parts still needed to be retrieved: GUID #2, Part #2 and GUID #4, Part #3. The media manager 1003, acting on this information, may now instruct the previously-allocated thread to retrieve the data associated with the identified required parts (i.e., "chunks"), as indicated by step 1109. The media manager 1003 is free to act on any other incoming requests. At the same time, however, the allocated thread is busy dumping into in the cache module 1015 the incoming contents for the identified required parts. Once the cache module 1015 has received all of the required parts, it alerts the media manager 1003. The media manager 1003 may then pull the completed parts from the cache module 1015 and then pass them to the servers manager 1021 for delivery to the server infrastructure. This is indicated by step 1110. The part data itself is transferred as a blob object, wrapped within an XML package.

Additionally, the communication protocol (of FIG. 11C) between the media spooler and clients is implemented using a light-weight protocol, so that required code space is minimized on the clients. The protocol engine is itself fairly small since it responds to a simple set of requests as shown in FIG. 11C (instead of the more difficult work of generating requests, parsing responses, and handling timeouts). By using a light-weight

AUS20030436US1
M/S AF

protocol as a remote user interface, such as the same protocol employed between the wireless digital camera and the cellular phone, only one protocol engine need be compiled into the thin client. The protocol itself may also be optimized for slow data links (e.g., cellular data phone calls).

F. Implementation Via Remote Procedure Calls

1. General

In accordance with the present invention, remote procedure calls (RPCs) are defined to provide the media spooler with a means to determine which photos are currently uploaded for particular accounts. In particular, the remote procedure calls define methods to upload actual photos to a target site, methods to annotate information (meta data) for photos uploaded, and methods to set and get generic settings for a particular camera.

The following Table 4 lists remote procedure commands which the media spooler will issue to the server infrastructure.

TABLE 4
Remote Procedure Calls

Command	Description
Query Stored Photos	Query the database on the server for a list of photos currently stored for a camera and/or user account.
Set Photo Meta Data	Store additional annotated information about uploaded photos. This may also include setting a list of e-mail addresses to forward the photo.
Store Photos	Send photo(s) to the server for storage into a user's account. Also store annotated meta data on a per-photo basis. Set Camera Settings Set camera-specific information and/or settings.
Get Camera Settings	Get the settings which were set with the command Set Camera Settings.

Applicants submit with respect that Kirani at this point is concerned exclusively with a media spooler for graphic image files delivered from a 'capturing device,' typically a digital camera, and with a lightweight communications protocol between the camera and a media manager. Kirani's only disclosure of identifiers is for identifiers that are

AUS20030436US1
M/S AF

absolutely, completely, and totally unique to an individual image file. In fact, by communicating individual identifiers, Kirani *teaches directly away from* retrieving images in response to receiving an image group identifier as claimed in the present application. There is no suggestion, not even the tiniest hint, in Kirani of communicating an image group identifier or taking action in response to receiving an image group identifier as claimed in the present application. Neither Kirani's globally-unique identifier (GUID) nor Kirani's communication of its GUID therefore discloses or suggests receiving images in response to receiving an image group identifier as claimed in the present application. Because Kirani does not teach or suggest each and every element and limitation of Applicants' claims, the rejections in view of Kirani should be withdrawn.

A Further Argument Regarding Kirani

Applicants submit with respect that there is no conceivable basis in Kirani for using Kirani as a reference under 35 U.S.C § 103 against the present application because Kirani simply has nothing to do with communicating groups of images with group identifiers derived from markup elements of markup documents as claimed in the present application. In support of this argument, the Applicants respectfully point out that none of the following terms or phrases from the independent claims of the present application occur anywhere in Kirani, not even once:

- image group,
- group identifier,
- image group identifier,
- markup element,
- markup element having attributes,
- attribute of a markup element,
- document structured by markup elements.

AUS20030436US1
M/S AF

Relations Among Claims

Independent claim 1 claims method aspects for distributing images in a data processing system according to embodiments of the present invention. Independent claims 12 and 23 respectively claim system and computer program product aspects for distributing images in a data processing system according to embodiments of the present invention. Claim 1 is allowable for the reasons set forth above. Claims 12 and 23 are allowable because claim 1 is allowable. The rejections of claims 12 and 23 therefore should be withdrawn, and claims 12 and 23 should be allowed.

Claims 2-6, 13-17, and 24-28 depend respectively from independent claims 1, 12, and 23. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Kirani does not disclose or suggest each and every element of the independent claims and Conning is unavailable as a reference against this invention, so also the combination of Kirani and Conning cannot possibly disclose or suggest each and every element of any dependent claim. The rejections of Claims 2-6, 13-17, and 24-28 therefore should be withdrawn, and these claims also should be allowed.

Claims 7, 18, and 29

Independent claim 7 of the present application claims:

7. A method for distributing images in a data processing system, the method comprising:

storing images on a server, including associating each image with at least one group of images identified by an image group identifier;

AUS20030436US1
M/S AF

receiving from a client a request for a group of images, the request comprising an image group identifier, the image group identifier derived from an attribute of a markup element of a document on the client;

retrieving from storage images identified by the image group identifier; and

sending the retrieved images to the client.

Kirani Neither Discloses Nor Suggests Storing Images On A Server, Including Associating Each Image With At Least One Group Of Images Identified By An Image Group Identifier

Regarding the elements of claim 7, the Office Action effectively takes the position, at the second paragraph of page 7 of the Office Action, that claim 7 claims server-side aspects of the same invention claimed by the client-side in claim 1 and that claim 7 is therefore rejected for the same reasons as for claim 1. In response, Applicants here reiterate with respect their arguments set forth in more detail above: that Kirani in pertinent part discloses only identifiers unique to an image file and a data communications protocol between an media manager and a digital camera, with no hint or suggestion of an image group identifier and no hint or suggestion of taking action in response to receiving an image group identifier.

Conning Is Unavailable As A Reference Against An Image Group Identifier Derived From An Attribute Of A Markup Element Of A Document On The Client

The Office Action, beginning at the third paragraph of page 7, takes the position that Kirani does not teach the following limitation of claim 7:

the image group identifier derived from an attribute of a markup element of a document on the client,

AUS20030436US1
M/S AF

but that Conning at page 2 paragraph [0018] through page 9 paragraph [0075] does disclose the limitation. Applicants respectfully note in response, however, that Conning is not available as a reference because the present invention was completed in the United States prior to the effective date of Conning. Without prejudice to Applicants' argument that Conning is not available as a reference in the present case, Applicants present the following argument that even if Conning were available as a reference, which it is not, but if it were, Conning does not teach or suggest an image group identifier derived from an attribute of a markup element of a document on the client.

The Office Action takes the position that Conning at page 2 paragraph [0018] through page 9 paragraph [0075] teaches the image group identifier derived from an attribute of a markup element of a document on the client because Conning discloses a page number for a server-side photo album with pages implemented in HTML, a markup language. Conning's server-side photo album page numbers, however, are merely assigned as page numbers in a photo album and therefore are not image group identifiers derived from an attribute of a markup element as claimed in the present application. Conning's photo album page numbers therefore neither disclose nor suggest an image group identifier derived from an attribute of a markup element of a document on the client as claimed in the present application. Remember that Kirani, by listing a plurality of images identifier-by-identifier teaches away from an image group identifier. Because Conning does not teach an image group identifier and Kirani teaches away from an image group identifier, the proposed combination of Kirani and Conning does not teach or suggest each and every element and limitation of Applicants' claims, and the rejections should be withdrawn.

AUS20030436US1
M/S AF

Relations Among Claims

Independent claim 7 claims method aspects of a method for distributing images in a data processing system according to embodiments of the present invention. Independent claims 12 and 23 respectively claim system and computer program product aspects of distributing images in a data processing system according to embodiments of the present invention. Claim 7 is allowable for the reasons set forth above. Claims 12 and 23 are allowable because claim 7 is allowable. The rejections of claims 12 and 13 therefore should be withdrawn, and claims 12 and 13 should be allowed.

Claims 8-11, 13-22, and 24-33 depend respectively from independent claims 7, 12, and 23. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Kirani does not disclose or suggest each and every element of the independent claims and Conning is unavailable as a reference against this invention, so also the combination of Kirani and Conning cannot possibly disclose or suggest each and every element of any dependent claim. The rejections of claims 8-11, 13-22, and 24-33 therefore should be withdrawn, and these claims also should be allowed.

Conclusion

Claims 1-33 stand rejected for obviousness under 35 U.S.C § 103(a) as being unpatentable over Kirani, *et al.*, U.S. Application Publication No. 2002/0032027 A1, in view of Conning, U.S. Application Publication No. 2004/0250205 A1. For the reasons set forth above, however, the proposed combination of Kirani in view of Conning fails to establish a prima facie case of obviousness. The rejection of claims 1-33 should therefore be withdrawn, and the claims should be allowed. Reconsideration of claims 1-33 in light of the present remarks is respectfully requested.


AUS20030436US1
M/S AF

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447
for any fees required or overpaid.

Respectfully submitted,

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By:



John Biggers
Reg. No. 44,537
Biggers & Ohanian, LLP
P.O. Box 1469
Austin, Texas 78767-1469
Tel. (512) 472-9881
Fax (512) 472-9887